

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of

Provision of Improved Telecommunications Relay)	
Services and Speech-to-Speech Services for)	
Individuals with Hearing and Speech Disabilities)	
)	CC Docket No. 98-67
Interstate Telecommunications Relay Service)	
Fund Advisory Council Proposed Guidelines for)	
Recovery of Costs Associated with Internet)	
Protocol Relay Services)	

AT&T COMMENTS

Pursuant to the Commission's December 13, 2002 Public Notice in this proceeding,¹ A&T Corp. ("AT&T") submits these comments on recommended guidelines for recovery of costs from the Interstate TRS Fund for telecommunication relay services ("TRS") provided via Internet protocol ("IP Relay")². The Interstate TRS Fund Advisory Council ("Council") and the TRS Fund Administrator ("Administrator") filed the recommended guidelines in accordance with the Commission's directive in its April 22, 2002 Declaratory Ruling in this proceeding.³

¹ Public Notice, "Interstate Telecommunications Relay Service Fund Advisory Council Proposed Guidelines for the Recovery of Costs Associated with Internet Protocol Relay Services," DA 02-3409, released December 13, 2002.

² Recommended Internet Protocol (IP) Cost Recovery Guidelines Developed and Submitted by the Interstate TRS Fund Advisory Council and the TRS Fund Administrator, filed October 9, 2002 ("Recommended Guidelines").

³ Provision of Improved Telecommunications Relay Services and Speech-to-Speech Services for Individuals with Hearing and Speech Disabilities; Petition

(footnote continued on following page)

In the Declaratory Ruling, the Commission found that IP Relay falls within the broad statutory definition of TRS and that such services are eligible to recover their costs in accordance with Section 225 of the Communications Act of 1934, as amended. Because there is currently no automatic means for determining whether a call made via IP Relay is intrastate or interstate, the Commission authorized recovery of all costs of providing IP Relay from the Interstate TRS Fund pending a determination regarding a permanent IP Relay cost recovery methodology.

The Commission accordingly directed the Council to submit recommended cost recovery guidelines for IP Relay within six months of the release of the Declaratory Ruling's release (i.e., no later than October 22, 2002).⁴ The Commission directed the Council to consider the record from the Declaratory Ruling in formulating the proposed guidelines, and made provision for public comment on the proposed guidelines before the Commission gives final approval to the recommended guidelines.⁵

(Footnote continued from preceding page)

for Clarification of WorldCom, Inc., CC Docket No. 98-67, Declaratory Ruling and Second Further Notice of Proposed Rulemaking, FCC 02-121, released April 22, 2002 ("Declaratory Ruling" and "FNPRM"). WorldCom and Sprint have petitioned for reconsideration of certain portions of the Declaratory Ruling. See 67 FR 49024 (July 29, 2002).

⁴ Declaratory Ruling, ¶ 23.

⁵ Id. The Commission in that decision also specified minimum operational, technical and functional standards for IP Relay, or in some cases granted time-limited waivers from such requirements otherwise specified in the Commission's TRS rules.

AT&T agrees with the recommendations of the Council and Administrator.⁶ The recommended guidelines correctly recognize that, in light of the Commission's current waivers of certain minimum operational, technical and functional standards for IP Relay in the Declaratory Ruling, there is no present need to develop a different cost recovery method, or to have a separate reimbursement rate, for IP Relay minutes of use.⁷ Under these circumstances, reimbursement for all IP Relay minutes from the Interstate TRS Fund in accordance with the existing process for other TRS services will, as the recommendation points out, "assure the growth of this innovative service in its early stages."⁸

Applying the current cost recovery method to IP Relay will also further an important goal of the Commission's pro-competitive TRS policies by making available to consumers a choice among providers of IP Relay services. Such marketplace competition is an important additional stimulus to marketing and

⁶ Recommended Guidelines, page 15.

⁷ However, if the time-limited waivers now in effect are not extended, IP Relay providers such as AT&T will be compelled to incur significant development costs in order to be able to offer service in accordance with the criteria adopted in the Declaratory Ruling. Such a fundamental change in cost structure could render the current TRS cost recovery mechanism and reimbursement rate unsuitable for IP Relay. To avoid this pitfall, AT&T believes that the Commission should relieve carriers of the obligation to satisfy a number of these operational, technical and functional standards requirements or, where applicable, should extend the current waivers indefinitely until the requisite technological advances have occurred.

⁸ Recommended Guidelines, page 14.

outreach efforts on the part of TRS providers to supplement the provision of information on relay services through government-administered relay programs.

AT&T's Comments submitted in response to the FNPRM in this proceeding showed that, because current technology does not allow a TRS provider to determine the location of an IP Relay call's originator, this service could potentially be misused for "third country calling" by individuals located in another country.⁹ The recommendation acknowledges the potential for such abuse of the service and therefore proposes that the Commission require IP Relay providers to supply to the Administrator monthly tracking data on their volumes of international TRS calling and IP Relay calls. If the Administrator's review of those reports indicates a significant deviation from previous norms, the Administrator will then report that fact to the Commission for appropriate action.¹⁰ AT&T supports the recommended monitoring procedure, and will cooperate with the Commission, the Administrator and other parties to develop an industry solution should international IP Relay traffic patterns display an inordinate increase pointing to potential misuse of that service.

AT&T also agrees with the guidelines' recommendation that the Commission "should revisit IP Relay cost recovery periodically to determine if changes in technology or other circumstances make a change in the funding mechanism

⁹ See AT&T Comments filed July 11, 2002, at pages 2-3 and n.6.

¹⁰ Recommended Guidelines, page 14.

workable.”¹¹ Given the rapid pace of technological change in the telecommunications marketplace, AT&T recommends that the Commission perform that review on an annual basis. Moreover, immediate review of the recovery mechanism will be imperative if the Commission in the future considers requiring service providers to adopt additional services and features for IP Relay.

Respectfully submitted,

AT&T Corp.

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¹¹ Id.